

ORIGINAL

CHEN, J.

BLOOM, M.J.

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ JUL 31 2019 ★

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

Bernadette Rodriguez

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-against-

Please see
attached

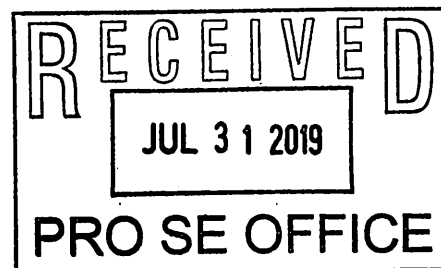
(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Complaint for a Civil Case

Case No.

CV19-1185
(to be filled in by the Clerk's Office)

Jury Trial: ☒ Yes ☐ No
(check one)



L. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name **Bernadette Rodriguez**
Street Address **PO Box 311267**
City and County _____
State and Zip Code **Jamaica, New York 11431**
Telephone Number **917 459 2949**
E-mail Address _____

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name **Department of the Navy**
Job or Title
(if known) **Office of the Judge Advocate General**
Street Address **1322 Patterson Ave., Suite 3000**
City and County **Washington Navy Yard, DC 20374-5066**
State and Zip Code _____
Telephone Number _____
E-mail Address _____
(if known) _____

Defendant No. 2

Name **Office of the Judge Advocate General**
Job or Title
(if known) **Tort Claims Unit Norfolk**
Street Address **9620 Maryland Ave. Suite 205**
City and County **Norfolk, VA 23511-2949**
Telephone: (757) 341-4583

State and Zip Code _____
Telephone Number _____
E-mail Address _____
(if known)

Defendant No. 3

Name US Department of Navy
Job or Title _____
(if known)
Street Address 1000 Navy Pentagon
City and County _____
State and Zip Code Washington, DC
Telephone Number 20350-1200
E-mail Address # 1800 872 6289
(if known)

Defendant No. 4

Name United States Marine
Job or Title Corps
(if known)
Street Address C/O US Department
City and County of Navy
State and Zip Code _____
Telephone Number 1000 Navy Pentagon
E-mail Address 20350-1200
(if known)

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☒ Federal question

☒ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, (name) _____, is a citizen of the State of (name) _____.

b. If the plaintiff is a corporation

The plaintiff, (name) _____, is incorporated under the laws of the State of (name) _____ and has its principal place of business in the State of (name) _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual

The defendant, (name) _____, is a citizen of the State of (name) _____. Or is a citizen of (foreign nation) _____.

b. If the defendant is a corporation

The defendant, (name) _____, is
incorporated under the laws of the State of (name) _____,
and has its principal place of
business in the State of (name) _____. Or is
incorporated under the laws of (foreign nation) _____,
and has its principal place of
business in (name) _____.

*(If more than one defendant is named in the complaint, attach an
additional page providing the same information for each additional
defendant.)*

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant
owes or the amount at stake—is more than \$75,000, not counting interest
and costs of court, because *(explain)*:

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as
briefly as possible the facts showing that each plaintiff is entitled to the damages or other
relief sought. State how each defendant was involved and what each defendant did that
caused the plaintiff harm or violated the plaintiff's rights, including the dates and places
of that involvement or conduct. If more than one claim is asserted, number each claim
and write a short and plain statement of each claim in a separate paragraph. Attach
additional pages if needed.

"Camp Lejeune Contaminated Water" is what the Agency for Toxic Substances and Disease Registry (ATSDR) calls the drinking water (Department of Defense, USMC, USN) supplied for Marines, Naval, and civilian personnel living and working at Camp Lejeune and it's and surrounding to drink. As per ATSDR, Camp Lejeune drinking water was laced with disease causing toxins which more than likely increased the risk of cancers (kidney, multiple myeloma, leukemias, and others), adverse birth outcomes, and other adverse health effects of residents (including infants and children), workers, at Camp Lejeune. Based on their list of "presumptive conditions" the VA is presuming those served/worked/lived at Camp Lejeune/ MCAS New River for at least 30 days, between August 1, 1953 and December 31, 1987, acquired disease is presumed to be linked to drinking Camp Lejeune's water and should be compensated for damages. I consumed this contamination while employed/pregnant/living in the barracks as a marine; a civilian working on base as well as a dependent wife from 1983 to 1994. At 3 years old my daughter was diagnosed at Camp Lejeune Naval

Hospital with leukemia and cancer in 1988. My son, born at Camp Lejeune in 1988 "neurobehavioral" effects is unending. Still, the Dept of Navy denied my claim for damages by telling me to take it to the US District court.

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

The Navy had its tumor registry contact me to follow up on my daughter yet failed to inform me of the water toxins or ATSDR findings. If they had, my son, born at Camp Lejeune in 1988 could have been diagnosed and treated earlier for his "neurobehavior" which is one of the diseases listed in ATSDR findings. Five million dollars in actual and/or punitive damages is requested. If the Department of Defense, USMC, and USN had not supplied contaminated fluid for me to drink as water, my marriage and my reproductive organs would have been intact, and my children would have been other than what they are.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: Jul 27, 2019

Signature of Plaintiff

Printed Name of Plaintiff

Bernadette Rodriguez